

**MISSISSIPPI DIVISION OF MEDICAID**  
**Eligibility Policy and Procedures Manual**

CHAPTER 300 - Resources

Page | 3021

**300.07 FACTORS THAT MAKE PROPERTY A RESOURCE**

Property of any kind, including cash, is a resource only if it meets all three criteria listed below:

RESOURCE CRITERIA	DESCRIPTION
<b>OWNERSHIP INTEREST</b>	An individual must have some form of ownership in property in order for the property to be considered a resource. The fact that an individual has access to property, or has a legal right to use it, does not make it a resource if there is no ownership interest.
<b>LEGAL RIGHT TO ACCESS (SPEND OR CONVERT) PROPERTY</b>	<p>An individual must have a legal right to access property. Even with ownership interest, property cannot be a resource if the owner lacks the legal ability to access funds to spend or convert non-cash property into cash.</p> <p>The fact that an owner does not have physical possession of property does not mean it is not his resource. It is a resource if the owner still has the legal ability to spend it or convert it into cash.</p> <p>An individual has free access to, and unrestricted use of, property even when he can take actions only through an agent (such as a representative payee or conservator).</p>
<b>LEGAL ABILITY TO USE FOR PERSONAL SUPPORT AND MAINTENANCE</b>	Even with ownership interest and legal ability to access property, a <u>legal</u> restriction against the property's use for the owner's own support and maintenance means the property is not a resource.